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### **REMARKS**

Responsive to the Office Action mailed October 19, 2005, Applicants provide the following. Twenty-four (24) claims remain pending in the application: claims 1-24. Reconsideration of claims 1-24 in view of the remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

### **Claim Rejections - 35 U.S.C. 103**

1. Claims 1-24 stand rejected under 35 U.S.C. 103(a), as being unpatentable over U.S. Patent No. 6,161,132 (Roberts et al.) in view of U.S. Patent No. 5,809,250 (Kisor). Applicants respectfully traverse these rejections in that the combination of the Roberts and Kisor patents fails to teach at least each element of claim 1, and one skilled in the art would not be motivated to combine the references.

With regard to at least independent claim 1, the combination of the Roberts and Kisor patents fails to teach at least each element of claim 1. The method of claim 1 allows "storing information on the host computer for allowing a simultaneous playback of the same event from the memory on each of the client apparatuses" and for "allowing content and timing information to be downloaded ... for playback of said event and said downloaded content and timing information after the simultaneous playback" (emphasis added). Therefore, the content and timing information is utilized with a locally stored "event."

The Examiner states in paragraph 3 of pages 3-4 of the Office Action that "Roberts does not disclose storing content and timing information transmitted during the simultaneous playback of the event at the host computer, and allowing the content and timing information to be downloaded utilizing the network for playback of said event and said downloaded content and timing information after the simultaneous playback" (emphasis added), and instead relies on the Kisor patent for these limitations. However, the Kisor patent

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specifically teaches away from supplying content and timing information to be used with a locally stored event. Kisor instead allows the communicating of protocol calls, annotations and timing information to be utilized with remote content located on a series of websites. More specifically, Kisor describes recording protocol calls (i.e., URLs) of a web browsing session and allows an initial user to later optionally edit and/or annotate the web browsing session after the browsing session is completed (Kisor, see for example, col. 1, lines 40-47 and col. 4, lines 56-65). The content of the websites visited while recording the browsing session is not captured or recorded and instead teaches away from recording the content of the websites and alternatively records just the protocol call of the site. The annotated and/or edited browsing session file can then be communicated to one or more remote users who can access the same websites associated with the recorded URLs of the recorded browsing session (Kisor, col. 1, lines 40-47). Upon playback of the recorded browsing session, a later user is directed with a series of remote websites based on the recorded protocols and timing information, which are displayed in conjunction with any annotations that were later added after the recorded browsing session. Thus, the browsing session, annotations and timing information of Kisor are utilized in conjunction with remote content, and Kisor specifically teaches away from playing back in conjunction with a locally stored event. Therefore, the combined references fail to render claim 1 obvious, because the combination fails to at least teach or describe “storing content and timing information transmitted during the simultaneous playback of the event at the host computer” and “allowing the content and timing information to be downloaded utilizing the network for playback of said event and said downloaded content and timing information after the simultaneous playback” as recited in claim 1 (emphasis added).

Further, one skilled in the art would not be motivated to combine the Kisor and Roberts references. In order to establish a *prima facie* case of obviousness, there must be motivation, teaching, or suggestion to combine the applied references (MPEP § 2143.01). The modification of Roberts with Kisor would provide no benefit. More specifically, Roberts provides a synchronized, multi-user multimedia experience wherein multiple users simultaneously experience an event in real time. For example, some embodiments of Roberts

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provide a real time chat room experience synchronized with music (see Roberts, col. 6, lines 61-65). Kisor, however, fails to teach or describe at least a “simultaneous event”. Instead, Kisor is directed toward the recording of a single user’s browsing of the Internet with the optional addition of annotations to the recorded session after the browsing session has been completed.

The modification of Roberts with Kisor would fail to capture the full simultaneous event described by Roberts, because Kisor fails to teach and instead teaches away from at least storing of the content from websites visited during the recording of the browsing session. Therefore, the combination of Roberts and Kisor would fail to capture at least the content of the chat rooms of Roberts. Instead, the combination would capture protocol information (Kisor, col. 4, lines 50-53), such as the URL of the chat rooms visited during the recorded session. Merely capturing the URL of the Roberts chat site would not allow a subsequent user to experience the full simultaneous event, because the content of the chat session would not be recorded. A user attempting to replay the simultaneous event would at best attempt to be linked to the previous chat room utilizing the captured protocol call. However, even if the chat room is still active, the user would be linked to a current chat session, if any, occurring in the chat room and would not provide access to the chat session at the time of the simultaneous playback of the event. The content of the original chat session would be lost.

Furthermore, one skilled in the art would not modify Roberts with Kisor to record the protocol information required to connect to a chat room as doing so would provide no benefit and would be superfluous. Roberts specifically describes a method for looking up and connecting to a specific chat room associated with a particular audio CD using a unique CD identifier (see Roberts, col. 7, lines 17-30, and FIG. 3, reference nos. 315 and 320). As such, there is no benefit in combining the recording of protocol calls with Roberts in that Roberts already provides a specific method for accessing chat rooms. Therefore, the combined references do not render at least claim 1 *prima facie* obvious, because one skilled in the art would not be motivated to combine the Roberts and Kisor references (MPEP § 2143.01).

Independent claims 7, 13, and 19 include language similar to that of claim 1 for “storing information on the host computer for allowing a simultaneous playback of the same

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event from the memory on each of the client apparatuses" and for "allowing content and timing information to be downloaded ... for playback of said event and said downloaded content and timing information after the simultaneous playback." Therefore, claims 7, 13, and 19 are also not obvious in view of the applied references for at least the reasons provided above.

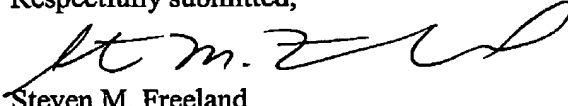
Similarly, claims 2-6 depend from claim 1, claims 8-12 depend from claim 7, claims 14-18 depend from claim 13 and claims 20-24 depend from claim 19. Therefore, claims 2-6, 8-12, 14-18 and 20-24 are also not obvious in view of the applied references for at least the reasons provided above.

### CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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